

Appl. No. 10/005,440
 Response dated April 11, 2007
 Reply to Office Action dated October 11, 2006

RECEIVED
 CENTRAL FAX CENTER
 APR 11 2007

REMARKS/ARGUMENTS

Applicants have herein cancelled claims 3, 5, 16, and 19 and amended claims 1, 4, 7-10, 14, 17, 20-23 and 27. Four new claims, 29-32, have been added, bringing the total pending claims to twenty-eight. Claims 1, 14 and 27 are independent claims. Applicants had previously paid for examination of twenty-eight claims, three of which could be independent. Therefore, Applicants believe no additional fees are due at this time. Applicants submit that amended claims 4, 7-10, 14, 17, 20-23 and 27, and new claims 29-32 are fully supported by Applicants' originally filed specification and introduce no new matter into the specification.

I. Claim Rejections – 35 USC § 103(a)

Examiner has generally rejected claims 1-28 under 35 USC § 103(a) as being obvious over DeFrancesco, et al., U.S. Patent No. 6,587,841 (hereinafter "DeFrancesco") in view of Lent, et al., U.S. Patent No. 6,324,524 (hereinafter "Lent"), and further in view of Duhon,¹ U.S. Patent No. 6,311,169 (hereinafter "Duhon"). Claim 1 is an independent method claim. Claims 2-13 depend from claim 1. Claims 14 and 27 are independent system claims. Claims 15-26 depend from claim 14. Claims 28 depends from claim 27.

Examiner does not provide specific rejections for claims 12, 15-26 or 28. However, as claim 12 is a dependant claim stemming from claim 1, which introduces introduce additional subject matter over that disclosed in claim 1, Applicant submits that any defect in claim 1 corrected by the submission of this Amendment extends to claim 12. Additionally, claims 15-26 are system claims containing subject matter similar to the methods presented in claims 2-13, respectively. Further, system claim 28 contains subject matter similar to the method disclosed in claim 7. Thus, Applicant addresses herein the general rejection of claims 15-26 and 28 as if included in the specific rejections of the corresponding method claims 2-13.

To provide a *prima facie* case of obviousness, three basic criteria must be met. M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of

¹ In paragraph 4, the Examiner generally rejects all claims presented in the current application under DeFrancesco, in view of Culhane (U.S. Patent No. 6,513,018) and further in view of Lent. However, in subsequent paragraphs wherein the Examiner addresses specific grounds for rejection, Examiner references Duhon, not Culhane. Examiner has confirmed to Applicant, through a telephone interview, that Duhon is the proper reference.

Appl. No. 10/005,440
Response dated April 11, 2007
Reply to Office Action dated October 11, 2006

success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.*

A. Rejection of claims 1, 14 and 27 (Paragraphs 4-8)

Examiner characterizes DeFrancesco as teaching a method, system, computer system and interface for generation of enhanced data to evaluate a proposed borrower substantially as claimed, but does not teach that "at least one of said recipient financial information sources utilizes a communication buffer so that the request is not communicated directly to said at least one recipient financial information source in association with which the communication buffer is utilized" or the step of "determining whether to loan money to the borrower based upon the consolidated report." Accordingly, Examiner states that Lent teaches utilizing a communication buffer. Examiner further states that Duhon teaches determining whether to loan money based upon the consolidated report. Examiner thus determines it would have been obvious to one of ordinary skill in the art to combine the teachings of DeFrancesco, Lent and Duhon in order to shield the identity of the client and target potential clients, presenting them with offers for loan opportunities.

Applicant has amended claim 1 to more clearly and specifically recite the types and number of "recipient financial information sources" from which financial information is receiving for generating a consolidated report. The new limitation requires that information be received from at least three different types of financial information sources: 1) credit bureaus, 2) banks, and 3) government entities. Additionally, claim 1, as amended, sets forth specific types of information received from each type of financial information source. The information received must include: "a credit history report from said one or more credit bureaus, a banking report from said one or more banks, and an earnings report from said one or more government entities." Additionally, the received information must be electronically formatted for use by a computer. Claims 14 and 27 have been amended in a similar fashion. These new limitations clearly distinguish the presently claimed subject matter from the systems and method taught in DeFrancesco, either alone or in combination with Lent and Duhon.

Neither DeFrancesco, Lent, or Duhon, teach, anticipate, or suggest consolidating information received directly from the combination of three or more sources which must include at least one bank, one credit bureau and one government entity. DeFrancesco teaches receiving a

Appl. No. 10/005,440
Response dated April 11, 2007
Reply to Office Action dated October 11, 2006

credit application from a borrower and routing the application to one or more lenders, such as a bank. (col. 9, lines 15-17). DeFrancesco also teaches pulling credit reports from one or more *credit bureaus* (col 12, lines 45-62). Lent requires pulling "at least two credit reports from two of the three credit bureaus before a decision to grant credit is made." (col. 5, lines 35-42).

Additionally, neither DeFrancesco, Lent, or Duhon, standing alone or in combination, teach, anticipate, or suggest receiving a banking report from a bank, or an earnings report from a government entity, wherein the information contained in the report is electronically formatted and ready for use by a computer to automatically generate a consolidated report. Duhon teaches providing certain consumer information such as the consumer's name and address, driver's license and social security numbers, credit line information, association with other consumers, number of inquires for credit information, and credit worthiness scores. (col 6, lines 39-50, col.10, lines 8-21). Duhon makes no mention of collecting or providing banking information or earnings information directly from a government entity.

The new limitation is a distinct and novel requirement of the present invention. To the Applicant's knowledge, no prior art reference automatically pulls earnings data directly from a government entity in such a form that enables a computer to use the requested information upon receipt. Additionally, while credit reports may indicate balances owed in relation to bank loans or credit lines, they do not include specific information concerning bank checking or savings accounts. Generally, when a lender desires to have such information, they require the borrower to submit account statements dating back a specific period of time (e.g., three months). By pulling this information directly from the bank, in a form that is ready for use by a computer, the lender is able to make a decision regarding whether to extend credit to the consumer in a much quicker and more reliable manner.

Further, no other prior art credit reporting method automatically pulls earnings information directly from a government entity. Typically, if the lender desires to weigh such information in its decision-making process, the borrower is asked to provide his/her current income level and employment information for a given period of time. The lender must then contact each given employer for verification of the information. This process is time-consuming and inaccurate as people have a tendency to forget specific details over time. Additionally, as businesses are constantly changing, it is common that previous employers may have moved, dissolved, or changed contact information, rendering the task of verifying employment

Appl. No. 10/005,440
Response dated April 11, 2007
Reply to Office Action dated October 11, 2006

information virtually impossible. The present invention pulls earnings information directly from forms submitted to the IRS or other government taxing authority and automatically uses the pulled information to generate a consolidated report. Additionally, the present invention pulls employment and/or compensation histories directly from the Social Security Administration. Thus, the information obtained in the consolidated report does not need to have additional verification and may be automatically used to determine whether to extend credit to the borrower immediately upon reception.

As amended claim 1 presents novel subject matter not taught, anticipated, or suggested in any prior art, Applicant respectfully submits that claim 1 is in condition for allowance. Likewise, as claims 14 and 27 are system claims relating to systems for carrying out the method described in claim 1, Applicant respectfully submits that claims 14 and 27 are also in condition for allowance.

B. Rejection of claim 2 (Paragraph 9)

Examiner characterizes Duhon as teaching "the method wherein said step of determining is performed by one or more lenders and further comprising the steps of communicating said consolidated report to said one or more lenders." Claim 2 depends from claim 1, which claim has been shown allowable above. Therefore, since claim 2 introduces additional subject matter that, when considered in the context of the recitations of claim 1, constitutes patentable subject matter, Applicant respectfully submits that claim 2 is in proper condition for allowance. Additionally, as system claim 15 is similar to claim 2, Applicant respectfully submits that claim 15 is also in proper condition for allowance.

C. Rejection of claims 3-5 and 8-10 (Paragraph 10)

Examiner characterizes Duhon as disclosing "the collection of information from various sources including: information such as social security numbers, electronic signatures, tax information, bank account information, earning information and bank deposit histories." Examiner cites col. 6, lines 10-50 in support of her characterization. Applicant respectfully disagrees with Examiner's assessment of Duhon. Specifically, Duhon teaches collection of various information such as "consumer names, tradelines (i.e., credit lines such as Matercard, VISA, American Express, Citibank), consumer addresses, driver's license numbers, social

Appl. No. 10/005,440
Response dated April 11, 2007
Reply to Office Action dated October 11, 2006

security numbers, associations, inquiries, public information (tax liens, judgments, bankruptcies), additional miscellaneous information, and credit worthiness scores." (col. 6, lines 40-47)(internal reference designators and notations omitted).

At no point does Duhon suggest electronic signatures, bank account information, earning information or bank deposit histories. Apparently, Examiner reads Duhon to include such information.

Applicant also respectfully wishes to draw Examiner's attention to the fact that claims 3 and 4 concern information received from the borrower in order to retrieve credit information, not the type of information received from a financial information source.

Although Applicant respectfully disagrees with Examiner's characterization, Applicant wishes to cancel claim 3, and similar system claim 16, without prejudice. Also, Applicant has amended claims 4 and 8-10 to more clearly and specifically recite the exact nature of the information received and identify the source of the information. Specifically, Applicant has amended claim 4 to include the limitations of cancelled claim 3. Applicant has further amended claim 8 to identify the requested information as "at least one of a current bank account balance and an average bank account balance over a specified time period." Full support for this limitation is found in paragraph [0025]. Applicant has also amended claim 9 to identify the requested information as "annual earning information extracted directly from at least one of IRS Form 1040, schedules associated with IRS Form 1040, IRS Form 1099, IRS Form W2, and IRS Form K1, the earnings report received from the Internal Revenue Service." Full support for this limitation is found in paragraph [0023]. Applicant has also amended claim 10 to identify the requested information as "a banking report [that] includes a deposit history encompassing at least three months of deposit activity, the banking report received directly from said one or more banks." Full support for this limitation is found in paragraph [0025].

Applicant submits that the new limitations are not disclosed, taught, suggested or anticipated by DeFrancesco, Lent, Duhon, or any combination thereof. Further, as claims 4-5 and 8-10 each depend from claim 1, which claim has been shown allowable above, and each claim introduces additional subject matter that, when considered in the context of the recitations of claim 1, constitutes patentable subject matter, Applicant respectfully submits that claims 4-5 and 8-10 are in proper condition for allowance. Further, as system claims 17-18 and 21-23 are

Appl. No. 10/005,440
Response dated April 11, 2007
Reply to Office Action dated October 11, 2006

similar to corresponding method claims 4-5 and 6-10, applicant submits claims 17-18 and 21-23 are also in proper condition for allowance.

D. Rejection of claims 6, and 11 (Paragraph 11)

Examiner further characterizes Duhon as teaching "communicating, formatting, and authorization of information according to certain requirements." First, Applicant hereby requests to cancel claim 6, without prejudice. Second, claim 11 depends from claim 1, which claim has been shown allowable above, such that all the newly amended limitations of claim 1 extend to claim 11. Further, claim 11 introduces additional subject matter that, when considered in the context of the recitations of claim 1, constitutes patentable subject matter. Finally, Applicant reasserts that receiving certain information, such as earnings information, directly from the source of the information, such as the Internal Revenue Service or Social Security Administration, in a form that is readily accessible and useable to a computer system is a novel aspect of the present invention. Thus, Applicant hereby submits that claim 11 is in condition for allowance.

E. Rejection of claims 7 and 13 (Paragraph 12)

Examiner characterizes Lent as disclosing communicating a request through an intermediate computer in order to provide a secure interface to the one or more recipient financial information sources and wherein a consolidated report comprises a confirmation code. A claims 7 and 13 each depend from claim 1, which claim has been shown allowable above, and each claim introduces additional subject matter that, when considered in the context of the recitations of claim 1, constitutes patentable subject matter, Applicant respectfully submits that claims 7 and 13 are in proper condition for allowance. Further, as system claims 20, 26, and 28 are similar to method claims 7 and 13, Applicant also submits claims 20, 26, and 28 are also in proper condition for allowance.

II. New Claims

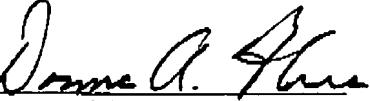
Applicant has added new claims 29-32. Full support for new claims 29 and 31 is found in the specification at paragraphs [0025] and [0024]. Full support for new claims 30 and 32 is found in the specification at paragraph [0024]. New claims 29 and 30 include all the limitations

Appl. No. 10/005,440
Response dated April 11, 2007
Reply to Office Action dated October 11, 2006

of claim 1. New claims 31 and 32 include all the limitations of claim 14. No new matter has been added.

The Examiner is invited to contact the undersigned by telephone, facsimile or email if the Examiner believes that such a communication would advance the prosecution of the instant application. Please charge any necessary fees associated herewith, including extension of time fees and additional claims fees (if applicable and not paid by separate check), to the undersigned's Deposit Account No. 50-1111.

Respectfully submitted,

By: 
Donna A. Flores

Attorney for Applicant
Reg. No.: 48,142
BRINKLEY, MORGAN, SOLOMON,
TATUM, STANLEY, LUNNY, &
CROSBY, LLP
200 East Las Olas Blvd., Suite 1900
Ft. Lauderdale, FL 33301
Phone: (954) 522-2200/Fax: (954) 522-9123
Email: donna.flores@brinkleymorgan.com

C:\wpfiles\clients\Verisearch\Patent\OA-10-11-06\Response to OA 10112006.doc